

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH LYLE PATTENAUDE,

Petitioner,

Case No. 1:12-cv-1222

v.

HON. JANET T. NEFF

WILLIE SMITH,

Respondent.

FINAL ORDER

This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on December 11, 2012, recommending that this Court deny the petition. The Report and Recommendation was duly served on the parties. No objections have been filed, see 28 U.S.C. § 636(b)(1), and the Court issues this Final Order [*See* RULES GOVERNING § 2254 CASES, Rule 11 (referring to the order disposing of a habeas petition as a “final order”).]

Following the issuance of the Report and Recommendation, Petitioner filed motions to stay these proceedings and hold his petition in abeyance (Dkts 6, 7). Because Petitioner’s habeas application is barred by the one-year statute of limitations, there is no basis for holding his petition in abeyance. The motions are therefore denied.

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt 5) is APPROVED and ADOPTED as the Opinion of the Court and the petition for habeas corpus relief (Dkt 1) is DENIED for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is DENIED as to each issue asserted. *See* RULES GOVERNING § 2254 CASES, Rule 11 (requiring the district court to “issue or deny a certificate of appealability when it enters a final order”). Petitioner has not demonstrated that reasonable jurists would find the Court’s rulings debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473 (2000); *Murphy v. Ohio*, 263 F.3d 466, 466-67 (6th Cir. 2001).

IT IS FURTHER ORDERED that Petitioner’s motions to stay these proceedings and hold this case in abeyance (Dkts 6, 7) are DENIED.

Dated: January 10, 2013

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge